

VILLAGE OF FONDA, NY
BOARD OF TRUSTEES -- MEETING PROCEDURES AND AGENDA FORMAT

Upon approval of these Meeting Procedures and Agenda formats, all previous Meeting Procedures and Agenda formats are hereby rescinded.

By majority vote, the Village of Fonda Board of Trustees may approve these Meeting Procedures, which shall become effective immediately. All prior Meeting Procedures approved by the Board shall be thereby rescinded immediately. This action shall not necessitate a local law to be valid.

These Meeting Procedures shall be placed on the Village website and labeled "Meeting Procedures" by the Village Clerk within three (3) business days after Board approval and shall remain permanently and conspicuously on the website at the beginning of its "Meetings" page. They shall be updated on the website within three (3) business days after any future change(s) are approved by the Board.

DEFINITIONS

Board: 'Board' refers to the Fonda, NY Board of Trustees consisting of four Trustees and the Mayor.

Executive Session: An 'executive session' is the portion of a Board meeting that is not open to the general public.

Meeting: A 'meeting' is defined in the Open Meetings Law as the official convening of a public body to conduct public business, including video and telephone conferencing for attendance and participation by Board members and the general public.

Minutes: 'Minutes' are the official written notes that record the happenings during a meeting. They may be taken during a meeting or from a recording after it. NYS Public Officers Law #106 outlines the minimum information requirements required in minutes.

Motion: A motion is a procedure whereby a Board member makes a verbal or written proposal to the Board for their vote for approval or denial. Once seconded, the Board shall decide by a roll call vote.

Noticing of Meetings: NYS Public Officers Law #104 states the laws for noticing the public about public meetings.

Open Meeting Requirement: Every meeting of a public body must be open to the general public by in-person attendance and/or by audio/video conferencing. Public bodies must make reasonable efforts to ensure that meetings are held in facilities that accommodate the anticipated crowd size and that permit barrier-free physical access for the physically handicapped as defined in Public Building's Law #50.

Presiding Officer: Pursuant to NYS Village Law #4-400 & and #4-412, the Village Mayor presides at meetings of the Board of Trustees. The Deputy Mayor presides at the Board meeting if the Mayor is absent. If the Mayor and Deputy Mayor are absent, the Trustees shall appoint one of their number to act as Presiding Officer for that meeting.

Public body: A 'public body' is defined in NYS Law as any entity for which a quorum is required to conduct public business and which consists of two or more members performing a governmental function for the State

or for an agency or department thereof or for a public corporation as defined in General Construction Law #66 or a committee or subcommittee or other similar body of the such public body.

Trustee Comments: These are sections during Village of Fonda Regular, and Special, Board meetings when Trustees may make statements, make motions, propose resolutions, or give reports on any topic(s).

Quorum: A 'quorum' is defined as a majority of the total authorized membership of the public body, regardless of any vacancies and absences. On a five- member Board of Trustees, three members constitute a quorum. Pursuant to General Construction Law #41, a quorum of a public body must be present to conduct business. For any action to pass, a majority of the total authorized membership of the body, regardless of vacancies and absences, must vote in favor of a given action or proposal, regardless of how many members of the public body are present at the meeting.

If only three members of a five-member Board are present, all three must vote 'YES' unanimously to pass any action.

Resolution A resolution is a motion presented in writing because of its importance or because it is long, and having it in writing may make it easier for discussion and distribution to others.

BOARD MEETING PROCEDURES

1. **AGENDA:** The Village Clerk will create an Agenda for all Public Body meetings at the Mayor's direction.
 - a) The Trustees and the Attorney for the Village may have items placed onto an Agenda by submitting them to the Village Clerk two weeks before a Monday Board meeting or 14 business days before a Board meeting scheduled for any other day. Items may not be added to the Agenda after 2:00 PM on the Monday prior to the meeting (deadline) and must wait for another board meeting. Exception: the Mayor may approve time-sensitive subjects needing discussion by the Board of Trustees.
 - b) The Agenda shall be prepared and emailed to Mayor for approval the Tuesday before or six days prior to any meeting. Once approved by the Mayor, the Village Clerk will email or provide a printed copy, including its time & date stamp, to all Board of Trustees Members, Village Attorney, and Department Heads. Once emailed and stamped, it shall be considered the FINAL Agenda and may only change by the Mayor during that Board meeting based on urgency and time allotment.
 - c) The Village Clerk shall check the agenda for correctness and add Resolution numbers to the proposed Resolution within the Agenda. The Clerk will email the Authorized Agenda to all Trustees, Department Heads, and the Village Attorney between Noon and 3:00 PM on the Friday before a Monday Board meeting or three days before a Board meeting scheduled on any other day:
 - d) Hard copies shall be placed in the mailbox of each Board member, the Department Heads, and the Attorney for the Village.
 - e) the Final Agenda shall be added to the Village website by the Clerk's Office. Only those items listed on the Agenda may be discussed at the Board meeting unless the Mayor approves additional item(s) during the Board meeting.

2. **QUORUM:** Three members are a quorum for a five-member Board of Trustees. A quorum of the Board of Trustees must be present to open a Regular Board meeting or a Special Board meeting, to conduct business, or to take a vote.
3. **WORK SESSIONS** Work Sessions are Board of Trustees meetings to discuss local issues informally. Work Sessions shall be open to the public. The public is not allowed to speak unless otherwise approved by a majority vote of the Board during the Work Session, which shall be effective immediately for that Work Session only. No Board votes may be conducted during Work Sessions.
 - Any two Board members may call for a Work Session providing a majority of the Board members agree verbally during a Board meeting or providing there is proof that written notice was sent to all Board members by mail or email or by text or providing Board members are notified by one of the methods required when calling Special Meetings.
4. **REGULAR MEETINGS:** Regular meetings of the Fonda Board of Trustees shall begin at 6:30 PM on the second Monday of each month during the year. If the normal meeting date falls on a holiday the meeting will be postponed to the immediate Tuesday following (day after). By majority vote, the Board may change the meeting dates and times, which shall be effective immediately unless otherwise stated and shall not necessitate enacting a local law to be valid.
5. **SPECIAL MEETINGS:** Special Meetings of the Board of Trustees may be called by any two Trustees or the Mayor by causing a written notice, specifying the time and place thereof, to be served upon each member of the Board personally at least one hour before the meeting, or by leaving the notice at their residence or place of business with some person of suitable age and discretion at least eighteen (18) hours before the meeting, or by mailing to their home address or emailing to their personal or Village email address such notice at least seventy-two (72) hours before the meeting. Verbal notice made during a Regular or Special Board of Trustees meeting at least one hour before the subject Special Meeting shall be valid notice for all Board members present at the Board meeting in person or through audio/video conferencing. For those not present when a verbal notice is given, an email sent to their personal or Village email address at least one hour before the Special Meeting shall be valid notice.
6. **EXECUTIVE SESSIONS:** Executive Sessions shall be held in accordance with NYS Public Officer Law #105. All executive sessions must be entered from a properly noticed and convened public meeting. The purpose of the Executive Session must be stated, which must comply with Public Officer Law #105. Any recording of Executive Sessions is prohibited.

Entering Executive Session

The Board of Trustees may only enter executive Session when one of the following applies:

- i. Upon a majority vote of the Board of Trustees, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below-enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public monies.
- ii. Matters which will imperil public safety if disclosed.
- iii. Any matter which may disclose the identity of a law enforcement agent or informer.
- iv. Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed.

- v. Discussions regarding proposed, pending, or current litigation
- vi. Collective negotiations pursuant to article fourteen of the civil service law
- vii. The medical, financial, credit, or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation.
- viii. The preparation, grading, or administration of examinations, and
- ix. The proposed acquisition, sale, or lease of real property of the proposed acquisition of securities or sale or exchange of securities substantially affects the value thereof.
- x. Attendance at an executive session shall be permitted to any public body member and any other persons authorized by the public body.

7. GENERAL PROCEDURES

- a) During every Board of Trustees meeting, no one shall interrupt other individuals speaking. The Mayor or other Presiding Member may interrupt a speaker to control the meeting and for proper decorum.
- b) The Mayor shall preside at all Regular and Special Board of Trustees meetings. Each member of the BOARD, including the Mayor, and all Trustees, are allowed to vote on every issue brought up for a vote. Every member may also debate, make motions, and take any action that every other Board member may take. The Mayor has one additional duty - in the event of a tie vote, the Mayor is legally required to vote. The Mayor only has one vote on any issue and may not vote on an issue and then vote a second time to break a tie vote on that same issue.
- c) A motion, a second, and a roll call vote to change these Meeting Procedures, or the meeting's final Agenda that is distributed to the Board and the public several days before the Board meetings, may take place at any time during a Regular Board meeting or a Special Board meeting.
- d) Public bodies shall make, or cause to be made, all reasonable efforts to ensure that meetings are held in an appropriate facility that can adequately accommodate members of the public who wish to attend such meetings. The Board may close or limit debate on any issue(s) by majority vote.

8. MOTIONS & RESOLUTIONS Board members may make Motions and propose Resolutions at any time during a regular, special, or executive session.

When a Motion or Resolution is introduced for the first time at a Regular, Special, or Executive Session Board of Trustees meeting, it may be held over until the next Board meeting by any one Board member. Thereafter, it may not be held over a second time unless the original wording has changed (which would cause it to become a new Motion or Resolution). 'Holding it over' may only be announced after a Motion or a Resolution and a second have been made and after any discussion.

Motions or Resolutions involving Board procedural events may not be held over unless otherwise approved by a majority vote of the Board, including, but not limited to, scheduling a meeting or a public hearing, adding an item(s) to the Agenda by majority vote during a meeting, changing the Meeting Procedures or the Agenda format, adjourning a meeting, etc. If challenged, the Board may decide by majority vote if the subject of a Motion or Resolution is a procedural event.

9. **PUBLIC COMMENT:** In written or in-person attendance for communications with the Board, interested parties or their representatives may address the Board. Written communications shall be delivered to the Clerk or Clerk's designee no later than 2:00 PM the Wednesday before a Monday meeting or three days before meetings held on other days. Speakers may not read written communications verbatim but should summarize their contents.

- a) The Mayor or the designated Presiding Member may allow or disallow public comment from the Public for any number of reasons, including time restraints of the Board's schedule.

It is strongly urged that anyone wishing to be heard by the Board on a specific 'business matter' make a written request to the Clerk so you may be added to the Agenda. Requests for adding you to the Agenda must be received two weeks (14 days) before the meeting. In your request, we ask that you provide the Subject Matter, Your Name & Contact Information, Supporting Materials and Documents, and the requested amount of time you wish to speak to the Board. This will improve the management of the meeting and allow the Village to prepare for your presentation.

- b) Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity, and good taste.

- Public Comment will be limited to "new Business" only.
- Speakers must give their name, address, and organization, if any.
- Speakers must be recognized before speaking by the presiding officer.
- Speakers should limit their remarks to five (5) minutes. Option by presiding officer to amend time for public remarks.

- a) The Mayor may allow Public Comments at a SPECIAL BOARD MEETING, which vote shall be effective immediately for that Special Meeting. The Board may request that the Mayor allow a guest to speak who has relative information for the discussion of Village business. If anyone is challenged and wishes to speak, the Board may decide by majority vote if a guest should be allowed to speak and if the information provided is relevant to Village matters or business.

10. **PUBLIC HEARINGS:** A public hearing is required to ensure that the public body or agency charged with taking action on a particular issue is fully aware of the public's sentiment about the proposed action and to give the public an opportunity to voice their opinions, their support, or their opposition. A quorum must be present at the Public Hearing for a valid meeting. Speakers' comments and/or questions must only address the specific topic or subject of the public hearing.

11. **PUBLIC COMMENT AT PUBLIC HEARINGS**

- a) During each Public Comment portion of each Public Hearing, everyone who wishes to speak shall be allowed to speak. Prior notice or request to, or approval from, the Village or any party to speak is not required. Speakers must observe the commonly accepted rules of courtesy, decorum, dignity, and good taste. Speakers shall not make personal attacks or political statements. If challenged, the Board may determine by majority vote if a comment(s) is a personal attack or a political statement.
- b) Speakers may speak only once during each Hearing of Visitors and each Public Hearing for a maximum of three minutes each time. Speakers must state their names and address before they speak. Speakers may not yield any of their time to other speakers. Speakers must address their comments and/or

questions to the full Board, not to any individual or Board member. Board members may not interrupt a Speaker except for clarification or informational reasons, and any time used for those purposes shall not be counted as part of the Speaker's three minutes. After a Speaker's time has elapsed, Board members may, but are not required to, request from the Mayor or presiding member to comment (s), answer a question(s) posed by the Speaker, and/or ask the Speaker a question(s).

12. VOTING: The sequence of events in the procedure for taking a vote is as follows:

First: the Mayor or a Board member makes a motion or offers a resolution,

Second: the Board discusses the motion or resolution,

Third: a motion may be made to amend the wording of the motion or resolution,

Fourth: that motion or resolution is seconded,

Fifth: the Board discusses the amendment,

Sixth: a vote is taken on the amendment,

Seventh: a verbal vote is taken on the original motion or resolution, including any approved amendment(s).

- a) All votes taken by the Board for Resolutions shall be a verbal roll call vote. The Mayor or Presiding Member may ask for a vote, or as directed by the Mayor or presiding member, the Village Clerk shall ask the Board if they vote Aye, Nay, or Abstain. All votes for Motions may be voted on verbally or through verbal roll call by name.
- b) Pursuant to New York State law, each member of the Board of Trustees (each Trustee and the Mayor) may vote once, and only once, on every issue. The Village Clerk must record in the minutes how each Trustee and the Mayor voted on every vote taken.
- c) The Mayor and each Trustee have only three options for voting:

‘Aye (Yes)’ ‘Nay (No)’ ‘ABSTAIN’

- d) The Clerk must record in the minutes a vote of YES, NO, or ABSTAIN for the Mayor and each Trustee on every vote. ‘ABSTAIN’ is neither a positive nor a negative action. It is simply no vote at all. Whenever a tie vote occurs, the Mayor must vote either ‘YES’ or ‘NO’ to break the tie. The Mayor is only allowed to vote once on any given matter. EG: the Mayor may not cast a vote on a matter - and then take a second vote to break a tie on the same matter. The Mayor has only one total vote on any matter.
- e) The Clerk shall tally the number of ‘YES’ votes to determine if a matter is approved. Unless otherwise specified by State Law, or unless the matter being voted on requires a super-majority vote, the matter is approved (passes) when a majority of the total authorized members of the Board votes ‘YES’. On a five-member Board, three (3) ‘YES’ votes are required to approve any matter even when only three (3) Board members are present at the meeting.

14. ADJOURNMENT: Adjournment of a Board meeting requires a motion to adjourn, a second, and three ‘YES’ votes.

15. **MINUTES:** Board of Trustees Regular and Special meetings shall be recorded through minutes. The Clerk shall take the minutes for the Board meetings or the Clerk's Designee.

- a) Minutes for Fonda Board of Trustees public meetings must include the following: the name of the Board, the meeting date, time, and location, the names of Board members who are present and absent, any Board members' time of arrival and/or time of departure if different from the time the meeting was called to order and adjourned, the names and titles of other Village officials and employees present, the number of attendees from the public, a record of communications presented, a record of reports made by the Board members and other Village personnel, a record of all motions, proposals, resolutions on any other matter, the person who made each motion, the person who seconded each motion, how each Trustee and the Mayor voted, a statement of the final vote results as either APPROVED or NOT APPROVED, the time the meeting was adjourned, and the signature of the Clerk, or the person who took the minutes if not the clerk.
- b) **Executive Sessions** - Minutes of Executive Sessions are not required unless the Board formally votes on an action(s). Executive Sessions are closed to those outside the Mayor, Board of Trustees, and the Village Legal Counsel. The Mayor may invite other individuals or parties to the closed executive session. Should an exception be made as to any person's presence within the Executive Session, a vote of the Board may be taken. The person's presence is Approved if the majority of the Board and the Mayor vote 'Aye (Yes),' allowing the person to remain.
- c) These same items are required for all Fonda 'Committees,' 'Boards,' and 'Commissions' minutes.
- d) A majority vote of the Board must approve the Village of Fonda Board of Trustees' minutes once they are complete, accurate, and typed, without cross-outs or handwriting.
 - Any Board member may hold over approval of minutes to correct any inaccuracy(ies) or omitted items.
 - After approval by a majority vote of the Board, the minutes or amended minutes shall be permanently posted on the Village of Fonda website within three (3) business days.
 - If the minutes have not been approved by thirty (30) days after the meeting date, the most recent draft of the minutes shall be posted on the Village website for public viewing and shall be conspicuously labeled "Unofficial," and "Not Complete" and "Not Approved."
 - Any item(s) still in question must be stated with an explanation of why it is still in question.
 - Once any "NOT COMPLETE" minutes are completed and approved by the Board, they shall be posted on the Village website as the 'Final Minutes' within three (3) business days after being approved by the Board.
 - For the public's ease of use and their ease of doing fast computer searches, all past minutes shall remain permanently on the Village website in separate monthly files, in different calendar yearly files, and in separate 5-year files (EG: 2022-2023, 2024-2025, etc.).
 - They must be in PDF format, easily viewable and searchable, and easily downloadable by the public.

16. **RECORDING:** Audio and video recording of all public meetings is permitted, except recording during Executive Sessions is prohibited. By majority vote, the Board may determine whether the recording(s) being

done is disruptive to the meeting after taking into consideration, but not limited to, the brightness of lights, distance from the Board, size of the equipment, the amount of noise generated by the activity, and the ability of the public to observe or hear the meeting. By majority vote, the Board may require that any individual(s) stop recording, leave the meeting, or be removed from the meeting. By majority vote, the Board may adopt any other rules governing audio and video recording of public meetings, which shall be effective immediately unless otherwise stated. The Clerk shall keep the rules for recording meetings posted conspicuously in the Village Board room and any other room(s) where any Village public meetings are held.

17. ZOOM or REMOTE method for attending meetings:

A. Fonda Board of Trustees:

- All Fonda Board of Trustees meetings shall be open to the public to attend in person and via Zoom.
- Every person attending a Regular or Special Board meeting, whether in person or via Zoom or other Village providers for video conferencing, may be allowed to address the Board during the Public Comment Section.
 - This is at the discretion of the Mayor or the designated Presiding Member. During every public hearing, the public will be allowed to be heard during the Public Comment Period.
- All rules and procedures for Public Comments will follow the in-person rules and procedures of the Board of Trustees. Information for Public

B. How to join meetings via Zoom: Go to the Village of Fonda website. Click on “Calendar.” Then click “Board Meetings.”

- Search for the date of the meeting. Click on the desired meeting and follow the directions for attending by computer device or telephone.

C. How to speak at meetings while attending via Zoom:

- People attending a meeting via Zoom by computer may alert the Mayor or designated Presiding Chair that they want to speak DURING THE PUBLIC COMMENT SECTION by clicking on the “reaction” tab at the bottom of the screen click on the “raise hand” feature.
- The Mayor or Presiding Chair may then unmute them, and they may speak.
- People attending a meeting via Zoom by telephone may alert the meeting administrator that they want to speak by
 - Dialing * 9 (star, 9).
 - The Mayor or Presiding Chair may then unmute them, and they may speak.

18. FONDA HAS VARIOUS TYPES OF BOARDS, COMMITTEES, OR COMMISSIONS

- a) The Board of Trustees creates Committees, (Sub) Boards, and Commissions by resolution or passing a law.

- b) The Village of Fonda Mayor appoints volunteers or compensated members to serve as members.
- Appointments are made at the Organization Meeting in April each year.
 - Appointments may be made any time during the year when a position is vacated.
 - The Mayor is only required to fill a position if mandated by local or state law.
 - Appointments are approved by the Board of Trustees following New York State laws.

19. CONTACT INFORMATION - BOARD MEMBERS

- a) The public may contact the Trustees or the Mayor with comments, questions, or concerns.
- For Contact information: Go to the village website. Click 'Village Government.' Then, Click 'Officials & Boards'.

20. New York State Opens Meeting Law – Public Officers Law, Article 7

- It is attached as Item A and available April 10, 2023.